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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,092	12/19/2001	Lynn Holm-Blagg	20375-022010	5079
20350 7590 04/03/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
			EXAMINER AKINTOLA, OLABODE	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 04/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/025,092

Applicant(s)

HOLM-BLAGG ET AL.

Examiner

OLABODE AKINTOLA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 7-11, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 1/18/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/18/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-10 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Flitcroft et al. (US 6636833) ("Flitcroft").

Re claim 1: Flitcroft teaches a method of accessing usage parameters associated with a financial transaction account, which comprises the steps of: establishing a first account with a holder of the first account (Figs. 4 and 5, RNs {402 and 502}); establishing a second account with a holder of the second account (Figs. 4 and 5, RNs {402 and 502}); issuing a presentation instrument associated with said first account (Fig. 5, RN {512}); establishing an initial set of product usage

parameters for said first account (col. 16, lines 20-23); providing control of said product usage parameters to the holder of the first account (Figs. 4-6, col. 16, lines 15-23, col. 30, lines 18-19); submitting modified product usage parameters by the holder of the first account (col. 16, lines 26-30); establishing product usage criteria by a card processing and service provider or a card issuer (col. 16, lines 15-18); comparing the submitted product usage parameter modifications with the usage criteria (col. 16, lines 31-34); if the submitted product usage parameters comply with said usage criteria, implementing same in connection with the account (col. 16, lines 31-34); and rejecting the submitted product usage parameters if same do not comply with the usage criteria (col. 16, lines 31-34; col. 18, lines 56-57, col. 23, lines 28-29).

Re claim 2: Flitcroft teaches the step wherein said account comprises a first account, and wherein the method further comprises: forming a group with said first account and said second account (col. 6, lines 45-52).

Re claim 3: Flitcroft teaches designating the first account as a key account; providing primary product usage parameters for said key account; designating the second account as a dependent account; providing dependent product usage parameters for said dependent account; and providing the holder of said key account with access to and control over the product usage parameters associated with said dependent account (Figs. 4-6, col. 16, lines 15-34).

Re claim 4: Flitcroft teaches creating group master data financial records associated with said group (col. 18, lines 64-67).

Re claim 7: Flitcroft teaches the step wherein said product usage parameters include ranges of time during which said presentation instrument can be utilized, geographic restrictions on the usage of said presentation instrument and restrictions on the types of goods and services which can be purchased with said presentation instrument (col. 25, lines 37-39).

Re claim 8: Flitcroft teaches establishing a credit line for said group with a group credit limit; establishing a dependent credit line for said dependent account with a dependent account credit limit; and said credit limits comprising product usage parameters (Figs. 4-6, col. 16, lines 15-34, col. 4, line 59 through col. 5, line 19).

Re claim 9: Flitcroft teaches arranging for the allocation of account payments among said key and dependent accounts; and allocating account payments among said key and dependent accounts (col. 23, lines 45-46).

Re claim 10: Flitcroft teaches providing statements for said key and dependent financial accounts; and providing the key account holder with access to the information provided in conjunction with such statements (col. 10, lines 25-37, col. 24, lines 46-49).

Re claim 36: Flitcroft teaches wherein the first account comprises a first credit card account of a first credit product and the second account comprises a second credit card account of a second

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credit product, wherein the first credit product is different from the second credit product (col. 6, lines 32-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claim 3 above in view of Walker et al (US 6327573) ("Walker").

Re claim 11: Flitcroft does not explicitly teach reward points for purchases by members of a group. Walker teaches reward points for purchases by members of a group (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Flitcroft to include this feature as taught by Walker in order to reward customers for loyalty and to create incentives for customer patronage.

Claim 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claims 3 and 1 above in view of Musmanno et al (US 5826243) ("Musmanno").

Re claim 35: Flitcroft does not explicitly teach wherein the holder of the first account is different from the holder of the second account. However, Flitcroft at col. 6, lines 45-53 teaches

"For example a *corporation* may provide many of its *employees* with *credit cards* but essentially each of these employees holds a master credit card even if there is only *one customer account*. Each of these master credit cards will have a unique master credit card number, which set of master credit card numbers will be linked to the account.

Similarly, in *families*, various *members of the family* may hold a master credit card all of which are paid for out of the *one customer account*". (Emphasis added).

Musmanno, in the same field of arts, teaches establishing a first account with a holder of the first account; establishing a second account with a holder of the second account, wherein the holder of the first account is different from the holder of the second account (col. 2, lines 22-39, col. 3, lines 22-39, col. 4, lines 31-33). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify Flitcroft to include this feature as taught by Musmanno for the obvious reason of establishing linked sub accounts for members of a household (family).

Response to Arguments

Applicant's arguments filed 1/18/2008 have been fully considered but they are not persuasive.

Applicant argues that Flitcroft does not disclose a second account. Examiner respectfully disagrees. The claim as recited in claim 1 does not preclude the first account from being the same as the second account and the holder of the first account from being the same holder of the second account. Examiner broadly interprets the accounts as one and the same. Moreover, there is no functional relationship between the first account and the second account as recited in claim 1. Claim 35 recites a functional relationship between the first account holder and the second account holder and has been addressed accordingly (see claim 35 rejection above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691